

## REMARKS

Applicant respectfully requests reconsideration of this application. Claims 21 and 29-40 are pending. No claims have been canceled or added. Claims 21, 29, 35, 37, and 38 have been amended.

Claims 21 and 29-40 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicant has amended claims 21, 29, 35, 37, and 38 by replacing “microcode” with “at least one microinstruction.” The amendment is supported by the specification, such as, for example, “the logical source or destination register for some of the microinstructions fetched from the firmware is one of the machine specific registers such as the MSR 314 for functional unit E 308e.” (specification, p. 6, ln. 22-24), “[T]he bits stored by the MSRs 208 are updated when the firmware code 210 stored in the firmware 206 is executed by the processor 204” (specification, p. 5, ln. 9-11), etc. It is respectfully submitted that the rejection has been overcome and withdrawal is respectfully requested.

Claims 21, 29-34, and 38-40 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,928,223 of Dao, et al. (“Dao”). Applicant respectfully traverses the rejection. Claim 21 sets forth a processor to execute an instruction that updates at least one microinstruction by changing a value of at least one bit in at least one of said plurality of machine specific registers. In contrast, Dao merely discloses loading microcode from an external ROM 3000 to the micro-instruction register 3016 (col. 24, ln. 52-55; col. 25, ln. 49-col. 26, ln. 5). Dao does not disclose, suggest, or imply updating the microinstruction by changing a value of at least one bit in at least one of said plurality

of machine specific register. Therefore, Dao fails to anticipate claim 21. Withdrawal of the rejection is respectfully requested.

For at least the reason discussed above with respect to claim 21, claims 29 and 38 are not anticipated by Dao. Applicant respectfully requests withdrawal of the rejection.

Claims 30-34 and 39-40 depend, directly or indirectly, from claims 29 and 38, respectively. Thus, having additional limitations, claims 30-34 and 39-40 are not anticipated by Dao for at least the reason discussed above with respect to claims 29 and 38. Withdrawal of the rejection is respectfully requested.

Claims 35-37 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,928,223 of Dao et al. (“Dao”) in view of U.S. Patent No. 5,097,445 of Yamauchi (“Yamauchi”). Applicant respectfully traverses the rejection. Claim 35 sets forth “storing an instruction that, when executed by a processor, updates at least one microinstruction, in memory external to said processor” and “executing said instruction to update the at least one microinstruction by the processor”.

Dao merely discloses loading microcode from an external ROM 3000 to the micro-instruction register 3016 (col. 24, ln. 52-55). Dao does not disclose, suggest, or imply executing said instruction to update the at least one microinstruction by the processor. Moreover, Yamauchi fails to make up the deficiencies of Dao. Yamauchi merely discloses storing program and/or data in EEPROM (col. 5, ln.59 – col. 6, ln. 4). Yamauchi does not disclose, suggest, or imply executing said instruction to update the at least one microinstruction by the processor. Thus, a combination of Dao and Yamauchi does not include every limitation set forth in claim 35. For at least this reason, claim 35 is patentable over Dao in view of Yamauchi. Withdrawal of the rejection is respectfully requested.

Claims 36-37 depend, directly or indirectly, from claim 35, and thus, are patentable over Dao in view of Yamauchi for at least the reason discussed above with respect to claim 35. Withdrawal of the rejection is respectfully requested.

Claims 21 and 29-40 are rejected under 35 U.S.C. §103(a) as being anticipated by 1860 Microprocessor Architecture by Margulis (hereinafter, “Margulis”). Applicant respectfully traverses the rejection. The Examiner admitted in the Office Action that Margulis does not disclose the use of microinstructions (Office Action, pp. 8-9, para. 26).

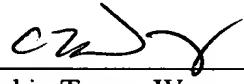
If the Examiner is relying on facts which are not of record as common knowledge to arrive at Applicant’s claim limitation noted above, then the **Examiner is respectfully requested to provide evidentiary support of such**. The Examiner’s attention is directed to MPEP 2144.03(C). Absent such submission of evidentiary support, Applicant submits that the rejection of claims 21 and 29-40 under 35 U.S.C. §103(a) based solely on Margulis does not render claims 21 and 29-40 unpatentable. Therefore, Applicant submits that claims 21 and 29-40 are patentable over Margulis. Withdrawal of the rejection is respectfully requested.

Applicant respectfully submits that the rejections have been overcome by the remarks, and that the pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the pending claims be allowed.

If there are any additional charges, please charge Deposit Account No. 02-2666  
for any fee deficiency that may be due.

Respectfully submitted,  
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Date: 10/17, 2005

  
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